

Congress of the United States
House of Representatives
Washington, DC 20515

April 12, 2018

The Honorable Kirstjen M. Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Nielsen:

Yesterday's announcement of a lottery of FY 2019 Commonwealth-Only Transitional Worker (CW) permits among applications received up to April 13 leads me to write for a third time to recommend that your agency take a wait-and-see approach to the FY19 permits, while the Northern Mariana Islands U.S. Workforce Act (S.2325 and H.R. 4869) is pending.

Previously, on January 9, I had alerted you that a bipartisan/bicameral working group was drafting legislation that might adjust the number of CW permits available in coming years. I asked that you adjust the FY19 cap on CW permits from 4,999 to 9,997, or, alternatively, that you hold the applications received in excess of the number needed to meet the cap to allow time for this legislative process.

Next, on February 26, I reported to you that the U.S. Workforce Act had been introduced and a legislative hearing held before the Senate Committee and Natural Resources. Again, I requested that your Department rack applications received in excess of the number needed to fill 4,999 permits in recognition that legislation was moving forward that could change the premises under which the Department was administering the CW program.

On March 5, the bipartisan/bicameral working group met to receive technical assistance from Department on the bill. Many of the recommendations offered by your staff, including the anti-fraud fee and an e-verify requirement were incorporated into the Amendment in the Nature of a Substitute approved by the Senate Committee on Energy and Natural Resources at a mark-up on March 8. The bill is now on track for consideration by the full Senate.

In light of this rapid progress and the high degree of bipartisan agreement and collaboration with the Executive branch that is reflected in the U.S. Workforce Act I ask, once more, that you delay rejecting CW applications in excess of the number needed to fill the 4,999 permits now available for FY19. If the U.S. Workforce Act is successfully enacted, as seems a reasonable expectation, the economic disruption and personal anxiety caused by these mass rejections will have been wholly unnecessary, as will the costs borne by your Department in administering the lottery and rejecting applications.

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Delaying action due to uncertainty regarding the cap has been done before. Last year, even before the FY18 cap was set, the Department announced that as of May 25 it had received enough applications to fill the maximum possible number of CW permits. Yet seven months passed before the cap was set on November 22 and only then were applications rejected for the period prior to May 25.

That would be the wise course of action now, too. Please, allow time for Congress to complete its work on the Northern Mariana Islands U.S. Workforce Act before engaging in wholesale rejection of permit applications.

Thank you for your time and attention. Please let me know if you have any questions. Your staff may also contact my Chief of Staff, Bob Schwalbach, at 202-225-2646 or via email at bob.schwalbach@mail.house.gov.

Sincerely,



GREGORIO KILILI CAMACHO SABLAN
Member of Congress